



Kenya Diaspora Alliance (KDA)

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18th November, 2016

Mr Ezra Chiloba
CEO/Secretary
Independent Electoral & Boundaries Commission (IEBC)
NAIROBI

Dear Sir,

REF: PUBLIC/DIASPORA COMMENTS ON THE DRAFT REGULATIONS ON ELECTION TECHNOLOGIES

Thank you for proactivity in publishing the above referenced Draft Regulations.

Overall, KDA thinks it is great document your team has produced, if it can be implemented to the letter. For successful delivery and use of electoral technologies, proven professional management experience (of large ICT projects) is top priority. While there are several good senior ICT Project Managers within and outside the country, few have proven experience in managing national or large scale elections. We are happy to extend references should you advertise for experts.

In the attached Memo, please find a summary of our comments on Article by Article basis. In general, we advocate for professionalism, ethics, inclusion and transparency. While we think the Draft Regulations and existing Electoral Laws on this topic may be sufficient for purposes of next year's elections, moving forward more robust arrangements for technology use are required. Most paramount is for Kenya to declare 'election technologies and systems' as '**critical national infrastructure**', and given the necessary attention, resource and protection that we give to military/defense installations, security/emergency response systems, aviation/key transport systems, etc. If not anything else, the experiences of 2007/08 should convince anyone that this is necessary.

In addition, below are a few more observations and suggestions:

- ✚ KDA would like to see the Public Key Infrastructure (PKI) which is already in place as per the ICT/Electoral Communications Laws, used to generate digital certificates and signatures as a clear, transparent, and accurate method of voting by eligible citizens.
- ✚ IEBC also has the duty to register all eligible voters from all the regions, not only in-country but also non-resident Kenyans (Diaspora). We are alive to the fact that some better endowed Office seekers take advantage of this to go beyond mobilization, and literally invest in registering voters. Registration of voters should transcend the traditional registration centers and embrace mobile voter registration, registration by e-mail and post, even a door-to-door campaign. If all the resources necessary are allocated in good time and put to proper use, this feat is tenable.
- ✚ Election is a right and a duty to all eligible citizens. All concerned government agencies and infrastructure like the national population registry and immigration data should be used to facilitate mobilization and registration of the voter population. Apart from IEB- initiated processes, the government should take an upper hand and push for this with the resources it has.
- ✚ IEBC's ICT & Research Directorates need to be more proactive at piloting, testing and introducing innovative electoral technologies. In the area of mobile voting, the world is looking at Kenya to provide leadership, given its prowess in this domain. Kenya shouldn't fail to rise to the occasion to invent the 'Next Big Thing' in this rare, competitive space.

We remain available for any further necessary consultations. We acknowledge inputs of our Diaspora Members, Friends of Diaspora, and Partners like the IED.

Yours Sincerely,



Dr Shem J. Ochuodho

KDA's Global Chairperson

CC: Hon Speaker of National Assembly
Hon Speaker of Senate

Mr David Mathieson, London, UK
Dr Wilfred Odoyo, Seoul, Korea
Mr Mike Mills, Edinburgh, UK
Mr Joseph Muhoro, Institute of Education in Democracy (IED)
Prof Jason Githeko, Egerton University (Ex-USA)

Press (Open Letter)